



CITY OF LODI COUNCIL COMMUNICATION

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AGENDA TITLE: Public Hearing to Consider Reimbursement Agreement RA-03-04 Establishing an Area of Benefit and Reimbursable Costs for Developer-Funded Public Improvements for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line

MEETING DATE: February 18, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council conduct a public hearing to consider Reimbursement Agreement RA-03-04 for the Harney Lane Sanitary Sewer Lift Station establishing an area of benefit and reimbursable costs for developer-funded public improvements for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line.

BACKGROUND INFORMATION: As a condition of development, the developer of the Century Meadows One, Unit 2 subdivision, K & W Development, LLC, was required to install the Harney Lane Sewer Lift Station and a sanitary sewer trunk line to provide sewer service for the subdivision project. To fulfill this requirement, the developer entered into an improvement agreement entitled "Improvement Agreement for the Public Improvements for the Harney Lane Sanitary Sewer Lift Station", approved by City Council on December 4, 2002, to construct the Harney Lane Sanitary Sewer Lift Station at the southeast corner of Harney Lane and Mills Avenue and a sanitary sewer trunk line in Harney Lane between Mills Avenue and the Woodbridge Irrigation District canal. The lift station force mains and other related improvements in Mills Avenue and at the Mills Avenue/Harney Lane intersection were installed with the Century Meadows Three, Unit 5 development. Partial reimbursement for the cost of those improvements was provided directly to the developer of that subdivision, Harney Development, LLC, by the property owners south of Harney Lane (Fink Group) in conformance with the agreement between the City and the Fink Group dated November 19, 1992. The balance of the costs was reimbursed to the developer by the City. The City was subsequently reimbursed for those City-funded costs by K & W Development, LLC, at the time of approval of the above-mentioned lift station improvement agreement. The total improvements installed in conjunction with the lift station project are shown on Exhibit 1.

The lift station, force mains and sewer trunk line will serve the developer's subdivision, as well as other properties in the Harney Lane Lift Station Service Area. In conformance with Chapter 16.40 of the Lodi Municipal Code (LMC), the developer has requested a reimbursement agreement and establishment of an area of benefit for those improvements that benefit other properties in the Harney Lane Lift Station Service Area. A copy of the reimbursement agreement is attached as Exhibit 2. The Harney Lane Lift Station Service Area and benefit areas are shown on Exhibit A of the agreement, and the final total costs for the improvements and fair share obligation for the benefiting properties are shown on Exhibit B.

The benefit area has been divided into two zones, A and B, as shown on Exhibit A. The reimbursable costs for Zone A include the lift station and associated force main improvements in Mills Avenue, as well as the sewer trunk line in Harney Lane. Reimbursable costs for Zone B include only the lift station and associated force main improvement costs. The fair-share obligation for each property within each zone is shown on Exhibit B. The lift station costs are prorated based on the proportion of the parcel acreage to the total acreage

APPROVED:

 A handwritten signature in black ink, appearing to read "H. Dixon Flynn".

H. Dixon Flynn, City Manager

of the total benefit area, Zones A and B (225.58 acres). The sewer trunk line costs are prorated based on the proportion of the parcel acreage to the total acreage of Zone A (62.1 acres).

The reimbursable costs shown on Exhibit A include future lift station improvements (curb, gutter, sidewalk, masonry wall and landscaping). Since the properties adjacent to the lift station site are outside the City limits and currently have no street frontage improvements, the street frontage improvements for the lift station site have been deferred until the adjacent properties develop. Under the terms of the reimbursement agreement, the developer has agreed that the cost of those improvements, including engineering and administration fees, engineering plan check fees and engineering inspection fees, will be deposited with the City from reimbursement charges collected from benefiting properties before any reimbursement payments are made to the developer. The costs shown on Exhibit B also include over-sizing costs to provide service to the portion of the lift station service area south of Harney Lane. The over-sizing costs have been paid directly to the developer by those property owners (Fink Group) in conformance with the agreement between the City and the Fink Group dated November 19, 1992. Those costs have, therefore, been deducted from the total construction costs and are not included in the reimbursable costs. The total reimbursable costs for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line as shown on Exhibit B are \$766,133.75 and \$121,676.13, respectively.

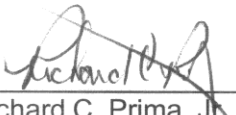
Under the terms of the reimbursement agreement, in the event that a benefiting property develops, the City shall collect the appropriate reimbursement charges from the developers of the benefiting property and reimburse the developer for a period of fifteen (15) years from the date of the agreement in conformance with LMC §16.40.060 and §16.40.070. Development is defined in LMC §16.40.060 as any one of the following:

1. Connection to the utility covered by the reimbursement agreement
2. Filing of a final subdivision map
3. Filing of a final parcel map, unless installation of public improvements is waived or deferred
4. Issuance of a building permit

The affected property owners within the Harney Lane Lift Station Service Area have been notified. The developer has paid the appropriate application fee and the fees to cover the cost of recording the reimbursement agreement. In conformance with LMC §16.40, staff recommends that Council conduct a public hearing and establish an area of benefit and reimbursable costs to recover the cost of the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line covered under Reimbursement Agreement RA-03-04.

Pursuant to LMC §16.40.50.A.3, the reimbursable amounts shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost index. Similar adjustments to the reimbursable costs will be made each January until payment is received. The initial ENR index to be used in the calculation is 6581. In the event that the benefiting properties develop, the City will collect the appropriate amounts from the developers of the benefiting properties and reimburse the developer in conformance with LMC §16.40.060 and §16.40.070.

FUNDING: Applicant fees and reimbursement fees collected from future developments.



Richard C. Prima, Jr.
Public Works Director

Prepared by Lyman Chang, Associate Civil Engineer
RCP/LC/pmf
Attachments
cc: Senior Civil Engineer – Development Services
K & W Development, LLC
Baumbach & Piazza

RESOLUTION NO. 2004-29

A RESOLUTION OF THE LODI CITY COUNCIL ESTABLISHING
AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR
DEVELOPER-FUNDED PUBLIC IMPROVEMENTS FOR THE
HARNEY LANE SANITARY SEWER LIFT STATION AND
SANITARY SEWER TRUNK LINE

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WHEREAS, as a condition of development, the developer of the Century Meadows One, Unit 2 Subdivision, K & W Development, LLC, was required to install the Harney Lane Sewer Lift Station and a Sanitary Sewer Trunk Line to provide sewer service for the subdivision project; and

WHEREAS, the developer entered into an Improvement Agreement with the City entitled "Improvement Agreement for the Public Improvements for the Harney Lane Sanitary Sewer Lift Station," approved by the City Council on December 4, 2002, to construct the Harney Lane Sanitary Sewer Lift Station at the southeast corner of Harney Lane and Mills Avenue and a sanitary sewer trunk line in Harney Lane between Mills Avenue and the Woodbridge Irrigation District Canal. The lift station force mains and other related improvements in Mills Avenue and at the Mills Avenue/Harney Lane intersection were installed with the Century Meadows Three, Unit 5 development. Partial reimbursement for the cost of those improvements was provided directly to the developer of that subdivision, Harney Development, LLC, by the property owners south of Harney Lane (Fink Group) in conformance with the agreement between the City and the Fink Group dated November 19, 1992. The balance of the costs was reimbursed to the developer by the City. The City was subsequently reimbursed for those City-funded costs by K & W Development, LLC, at the time of approval of the above-mentioned lift station improvement agreement. The total improvements installed in conjunction with the lift station project are shown on Exhibit 1 attached.

WHEREAS, in conformance with Lodi Municipal Code (LMC) Section 16.40, staff recommends that the City Council conduct a public hearing to establish an area of benefit and reimbursable costs to recover the costs for those improvements that benefit other properties in the Harney Lane Lift Station Service Area. A copy of the Reimbursement Agreement is attached as Exhibit 2. The Harney Lane Lift Station Service Area and benefit areas are shown on Exhibit A of the Agreement, and the final total costs for the improvements and fair share obligation for the benefiting properties are shown on Exhibit B of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that:

- a) The City Council hereby establishes an area of benefit and reimbursable costs to recover the costs for developer-funded public improvements for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line. The reimbursable costs for each property are shown on Exhibit B attached and shall be collected at the time of development for each parcel; and

- b) Pursuant to LMC Section 16.40.50.A.3, the reimbursable amounts will be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost Index. Similar adjustments to the reimbursable costs will be made each January until payment is received. The beginning ENR index will be 6581.
- c) In the event that the benefiting properties develop, the City will collect the appropriate amounts from the developers of the benefiting properties and reimburse the developer in conformance with LMC §16.40.060 and §16.40.070.

Dated: February 18, 2004

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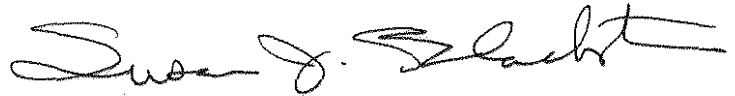
I hereby certify that Resolution No. 2004-29 was passed and adopted by the Lodi City Council in a regular meeting held February 18, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Hitchcock

ABSTAIN: COUNCIL MEMBERS – None



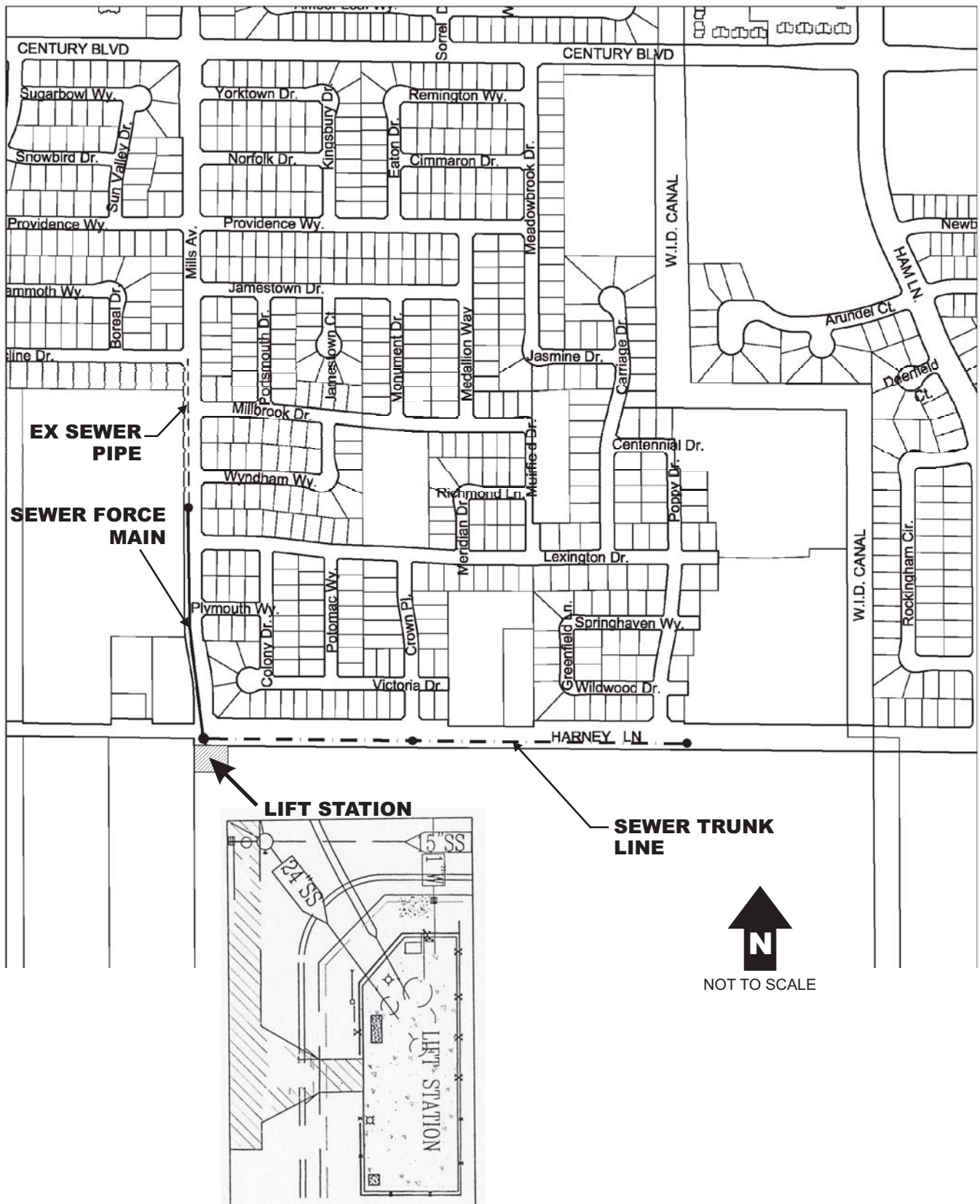
Susan J. Blackston
City Clerk



CITY OF LODI

PUBLICWORKSDEPARTMENT

EXHIBIT 1



WHEN RECORDED, RETURN TO:

City Clerk
City of Lodi
221 West Pine Street
Lodi, CA 95240

REIMBURSEMENT
for
HARNEY LANE SANITARY SEWER LIFT STATION

AGREEMENT # RA-03-04

THIS AGREEMENT is made by and between the CITY OF LODI, hereinafter referred to as "City", and K & W DEVELOPMENT, LLC, hereinafter referred to as "Applicant".

RECITALS:

WHEREAS, Applicant is the developer of Century Meadows One, Unit 2, Tract No. 2786 subdivision and has entered into an Improvement Agreement with the City dated December 30, 2002 to construct public improvements needed to serve the development, and

WHEREAS, as a condition of development for the Century Meadows One, Unit 2 subdivision, Applicant was required to install, at Applicant's expense, the Harney Lane Sewer Lift Station, including street frontage improvements (curb, gutter and sidewalk) on Harney Lane and Mills Avenue, the lift station enclosure (masonry wall) and landscaping and irrigation for the lift station site, to provide sewer service for the project; and

WHEREAS, Applicant entered into a separate agreement with the City entitled "Improvement Agreement for the Public Improvements for the Harney Lane Sanitary Sewer Lift Station" approved by the City Council on December 4, 2002; and

WHEREAS, the Applicant has constructed the Harney Lane sewer lift station and associated sanitary sewer trunk line east of Mills Avenue that will serve additional properties that are designated and shown on the plan attached and labeled Exhibit A to this agreement and indicated thereon; and

WHEREAS, the Applicant is responsible for the installation of street improvements (curb, gutter and sidewalk), construction of the lift station enclosure (masonry wall) and installation of landscaping and irrigation at the lift station site, which improvements have not been completed at this time; and

WHEREAS, the Applicant has filed a request with the Public Works Director in conformance with Chapter 16.40 of the Lodi Municipal Code requesting reimbursement for those improvements which benefit other property or would be required of those properties upon development; and

WHEREAS, the property owners of those properties shown in Exhibit A have been notified and the City Council has conducted a public hearing regarding the Applicant's request for reimbursement.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained and pursuant to Government Code Sections 66485 through 66489 and Title 16 of the Lodi Municipal Code, it is hereby agreed between the parties as follows:

1. The amount of the reimbursable costs due to the Applicant includes construction costs less any applicable credits plus ten percent (10%) for engineering and administration,

engineering design costs, engineering plan check fees, engineering inspection fees (2.5%) and the reimbursement application fee (1%). Total construction costs and costs attributable to the Benefit Area are shown on attached Exhibit B.

2. The reimbursable amount shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost Index. On uncollected reimbursements, the reimbursement rates shall be calculated in January of each year beginning January 2005 by the following formula:
$$(\text{ENR Jan. 1 of current year}) \div (\text{initial ENR}) \times (\text{Balance due Jan. 1 of prior year less payments made during the previous year})$$

The initial ENR index for this agreement is 6581. The initial reimbursable amounts are shown on Exhibit B.

3. In the event that the benefiting properties shown on Exhibit A develop, the City shall collect the appropriate charges from the developers of the benefiting property and reimburse the Applicant or the Applicant's heirs, successors or assigns, for a period of fifteen (15) years from the date of this agreement in conformance with LMC 16.40.060 and 16.40.070.
4. To fulfill Applicant's responsibility for the installation of street improvements (curb, gutter and sidewalk), construction of the lift station enclosure (masonry wall) and installation of landscaping and irrigation at the lift station site in the future, the cost of those improvements will be deposited with the City from reimbursement charges collected from benefiting properties before any reimbursement payments are made to Applicant. The monies so deposited will be used as determined by the City for the future installation of those improvements. The estimated cost of the improvements is \$99,066.00 as shown on Exhibit C.
5. The Applicant shall pay the City \$5,782.06 for the preparation of this agreement prior to approval and recording of this agreement. This fee is based on one percent (1%) of the total reimbursable construction costs, excluding engineering, administrative and other costs.
6. Upon each collection of reimbursement charges, an administrative charge shall be deducted and retained by the City for administering the reimbursement provisions of this agreement. This charge shall be established from time to time by resolution of the City Council. As of the date of this agreement, the current charge is \$60.00. The actual administration charge to be paid will be that in effect at the time of collection.
7. This agreement shall inure to the benefit of the heirs, successors and assigns of the Applicant. The City shall mail the reimbursement to the last address of the Applicant on file with the Public Works Director of the City. In the event a reimbursement is returned or unclaimed after two (2) years from the date of mailing, the amount of the reimbursement shall revert to the City and be deposited in the appropriate development impact mitigation fee fund.
8. All correspondence and payments herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Correspondence and payments to City shall be addressed as follows:

Richard C. Prima, Jr.
Public Works Director

221 West Pine Street
P. O. Box 3006
Lodi, CA 95241-1910

Correspondence and payments to Applicant shall be addressed as follows:

9. This agreement is entered into pursuant to the provisions of Title 16 of the Lodi Municipal Code and the provisions of that section shall be deemed a part of this agreement.

IN WITNESS WHEREOF, the Applicant and the City have caused their names to be hereunto affixed and the City of Lodi has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized.

K & W DEVELOPMENT, LLC

Date _____
(CORPORATE SEAL)

CITY OF LODI, A MUNICIPAL CORPORATION

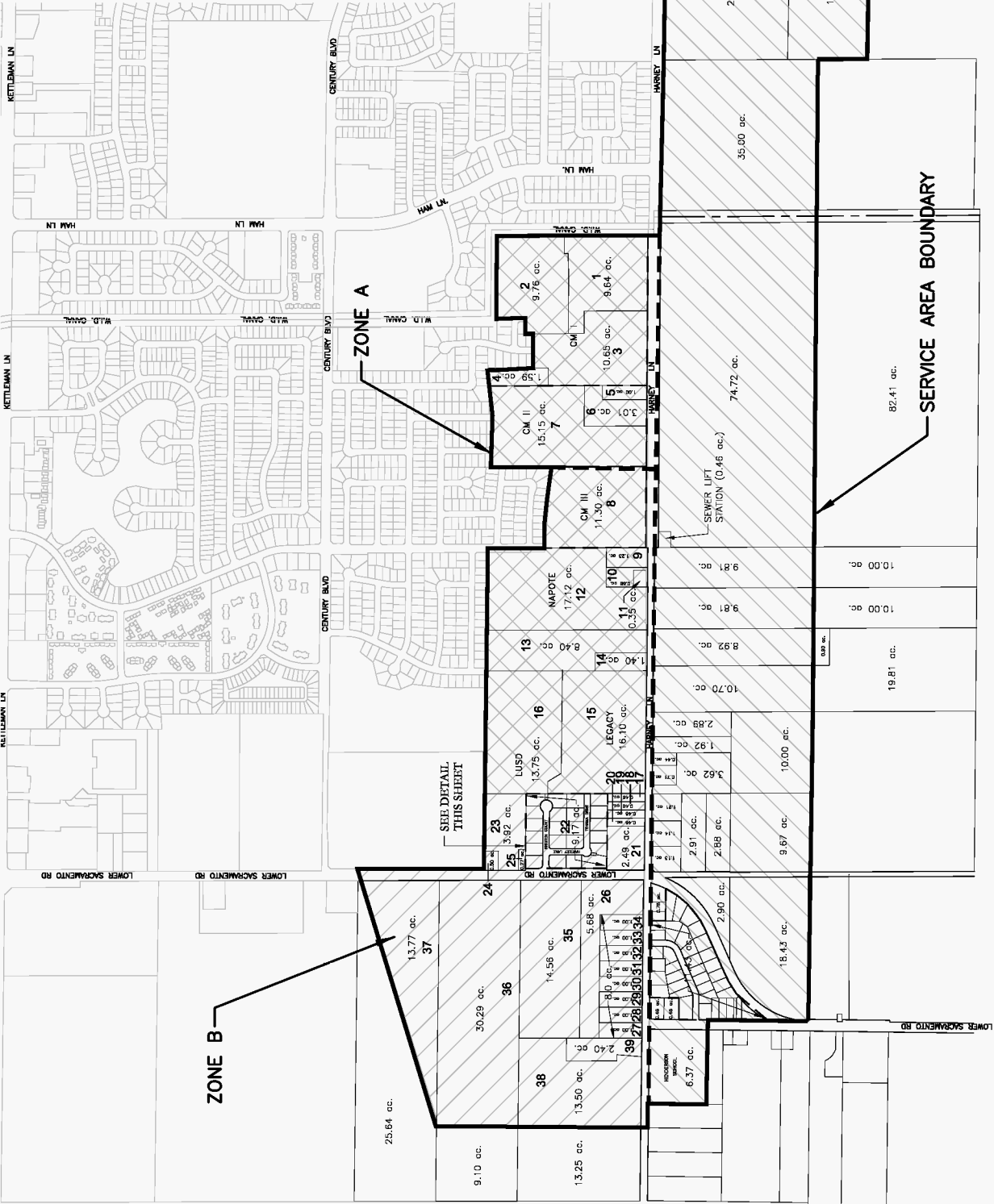
By: _____ Date _____
Dixon H. Flynn, City Manager

ATTEST:

Susan J. Blackston, City Clerk Date _____

APPROVED AS TO FORM:

D. Stephen Schwabauer, Interim City Attorney



DETAIL
SCALE 1" = 100'

Site No.	APN No.
1	058-210-27
2	058-210-28
3	058-210-25
4	058-210-04
5	058-210-03
6	058-210-19
7	058-210-28
8	058-210-21
9	058-210-21
10	2017 W Harney
11	2031 W Harney
12	058-230-22
13	058-230-13
14	058-230-14
15	058-230-12
16	058-230-11
17	058-230-08
18	058-230-08
19	058-230-07
20	058-230-06
21	058-230-10
22	058-220-01 to 058-220-06
23	058-220-08 to 058-220-24
24	058-230-03
25	058-230-05
26	058-230-04
27	058-040-05
28	058-040-06
29	058-040-07
30	058-040-08
31	058-040-09
32	058-040-10
33	058-040-11
34	058-040-12
35	058-040-13
36	058-040-04
37	058-040-02
38	058-040-01
39	058-040-14

SERVICE AREA

SUBDIVISION (PROPOSED/EXISTING)

FINK GROUP (SOUTH OF HARNEY LANE)

CAUTION

0 1/2 1

Do not scale drawing if this bar does not measure 1 inch.

REVISIONS

DATE

BY

OWN

KG

LC

DATE

APPROVED

DATE

APPROVED

DATE

CITY OF LODI

PUBLIC WORKS

12/18/2003

12/18/2003

12/18/2003

CITY OF LODI

PUBLIC WORKS DEPARTMENT

HARNEY LANE SEWER LIFT STATION

SERVICE AREA

12/18/2003

12/18/2003

12/18/2003

12/18/2003

12/18/2003

12/18/2003

City of Lodi
Public Works Department

Project: Harney Lane Lift Station

Engineer: Baumbach and Piazza

	<u>Lift Station</u>	<u>Trunk Line</u>	<u>Total</u>
Construction Cost	\$ 503,618.00	\$ 115,235.90	\$ 618,853.90
Contract Change Order	\$ 20,509.71	\$ (777.17)	\$ 19,732.54
Future Curb, Gutter and Sidewalk (225 LF @ \$36.00/LF)	\$ 8,100.00		\$ 8,100.00
Future Wall and Landscaping	\$ 78,800.00		\$ 78,800.00
10% Engineering and Administration	\$ 48,670.64	\$ 9,149.91	\$ 57,820.55
Application Fee	\$ 4,867.06	\$ 914.99	\$ 5,782.06
Engineering Plan Check Fees	\$ 13,363.50	\$ 2,759.00	\$ 16,122.50
Engineering Inspection Fees	\$ 17,524.50	\$ 3,513.00	\$ 21,037.50
Engineering Inspection Fees (Overtime)	\$ 157.20		\$ 157.20
City TV Inspection		\$ 2,865.00	\$ 2,865.00
Reimbursable Costs for Century Meadows Three, Unit 5	\$ 120,486.66		\$ 120,486.66
Construction Administration (Baumbach & Piazza)	\$ 34,000.00	\$ 2,500.00	\$ 36,500.00
Design Cost for the Harney Lane Lift Station (Baumbach and Piazza)	\$ 27,046.00		\$ 27,046.00
Soils Report (Neil Anderson)	\$ 3,800.00	\$ 3,400.00	\$ 7,200.00
Compaction testing (Neil Anderson)	\$ 10,765.00	\$ 5,440.00	\$ 16,205.00
Consultants Fee (SNG Associates)	\$ 11,304.73	\$ 2,070.27	\$ 13,375.00
Total Cost	\$ 903,013.00	\$ 147,070.90	\$ 1,050,083.91
Fink Group Cost	\$ 136,879.25	\$ 25,394.77	\$ 162,274.02
Benefit Area Cost	\$ 766,133.75	\$ 121,676.13	\$ 887,809.89

Zone	Site No.	Assessor's Parcel No.	Acreage	Lift Station Benefit Ratio	Lift Station Fees	Trunk Line Benefit Ratio	Trunk Line Fees	Total Fees
A	1	058-210-27	9.64	0.043	\$ 32,679.334	0.190	\$ 23,089.72	\$ 55,769.06
A	2	058-210-28	9.76	0.043	\$ 33,086.13	0.192	\$ 23,377.15	\$ 56,463.28
A	3	058-210-26	10.65	0.047	\$ 36,103.21	0.210	\$ 25,508.87	\$ 61,612.08
A	4	058-210-25	1.59	0.007	\$ 5,390.06	0.031	\$ 3,808.37	\$ 9,198.42
A	5	058-210-04	1.00	0.004	\$ 3,389.97	0.020	\$ 2,395.20	\$ 5,785.17
A	6	058-210-03	3.01	0.013	\$ 10,203.82	0.059	\$ 7,209.55	\$ 17,413.37
A	7	058-210-19	15.15	0.067	\$ 51,358.08	0.298	\$ 36,287.27	\$ 87,645.35
Subtotal Zone A			50.80	0.225	\$ 172,210.60	1.000	\$ 121,676.13	\$ 293,886.73
B	8	058-210-29	11.30	0.050	\$ 38,306.69			\$ 38,306.69
B	9	058-230-21	1.23	0.005	\$ 4,169.67			\$ 4,169.67
B	10	2017 W Harney Lane	0.88	0.004	\$ 2,983.18			\$ 2,983.18
B	11	2031 W Harney Lane	0.35	0.002	\$ 1,186.49			\$ 1,186.49
B	12	058-230-22	17.12	0.076	\$ 58,036.33			\$ 58,036.33
B	13	058-230-13	8.40	0.037	\$ 28,475.77			\$ 28,475.77
B	14	058-230-14	1.40	0.006	\$ 4,745.96			\$ 4,745.96
B	15	058-230-25	16.10	0.071	\$ 54,578.56			\$ 54,578.56
B	16	058-230-26	13.75	0.061	\$ 46,612.12			\$ 46,612.12
B	17	058-230-09	0.46	0.002	\$ 1,559.39			\$ 1,559.39
B	18	058-230-08	0.46	0.002	\$ 1,559.39			\$ 1,559.39
B	19	058-230-07	0.46	0.002	\$ 1,559.39			\$ 1,559.39
B	20	058-230-06	0.46	0.002	\$ 1,559.39			\$ 1,559.39
B	21	058-230-10	2.49	0.011	\$ 8,441.03			\$ 8,441.03
B	22	058-220-01 to 058-220-24	9.17	0.041	\$ 31,086.05			\$ 31,086.05
B	23	058-230-03	3.92	0.017	\$ 13,288.69			\$ 13,288.69
B	24	058-230-05	0.50	0.002	\$ 1,694.99			\$ 1,694.99
B	25	058-230-04	0.27	0.001	\$ 915.29			\$ 915.29
B	26	058-040-05	5.28	0.023	\$ 17,899.05			\$ 17,899.05
B	27	058-040-06	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	28	058-040-07	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	29	058-040-08	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	30	058-040-09	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	31	058-040-10	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	32	058-040-11	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	33	058-040-12	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	34	058-040-13	1.00	0.004	\$ 3,389.97			\$ 3,389.97
B	35	058-040-04	14.16	0.063	\$ 48,002.01			\$ 48,002.01
B	36	058-040-02	29.77	0.132	\$ 100,919.48			\$ 100,919.48
B	37	058-040-01	13.37	0.059	\$ 45,323.93			\$ 45,323.93
B	38	058-040-14	13.50	0.060	\$ 45,764.63			\$ 45,764.63
B	39	058-040-15	2.40	0.011	\$ 8,135.93			\$ 8,135.93
Subtotal Zone B			175.20	0.775	\$ 593,923.16			\$ 593,923.16
Benefit Area Totals			226.00	1.000	\$ 766,133.75	1.000	\$ 121,676.13	\$ 887,809.89

NOTES:

- See Exhibit A for boundaries of Zones A and B and Site Numbers.
- ZONE A fee includes costs for the Lift Station and 15" trunk line in Harney Lane. ZONE B fees include Lift Station costs only.
- Lift Station Benefit Ratio is based on the proportion of the parcel acreage to the total acreage of the benefit area (225.58 acres).
- Trunk Line Benefit Ratio for ZONE A for 15" sewer trunk line is based on the proportion of the parcel acreage to the total acreage of ZONE A (62.1 acres).
- For Site Nos. 26, 35, 36 and 37, the acreage shown is the net acreage after deduction for the dedication of 35 feet of right-of-way along the parcel frontage on Lower Sacramento Road.
- Application fee is based on 1 percent of the sum of the reimbursable construction costs.

EXHIBIT A

NOTICE OF PUBLIC HEARING

LODI CITY COUNCIL

221 W. PINE STREET, LODI, 95240 --TELEPHONE 333-6702

DATE: Wednesday, February 18, 2004

TIME: 7:00 p.m., or as soon thereafter as the matter can be heard

PLACE: Carnegie Forum, 305 West Pine Street, Lodi

SUBJECT: To consider Reimbursement Agreement RA-03-04 establishing an area of benefit and reimbursable costs for developer-funded public improvements for the Harney Lane sanitary sewer lift station and sanitary sewer trunk line

(SEE REVERSE SIDE FOR MAP)

INFORMATION REGARDING THIS MATTER MAY BE OBTAINED IN THE OFFICE OF THE PUBLIC WORKS DEPARTMENT, 221 W. PINE ST., LODI – Contact: Lyman Chang, Associate Civil Engineer (209) 333-6706.

WRITTEN STATEMENTS MAY BE FILED WITH THE CITY CLERK, 221 W. PINE ST., 2ND FLOOR, LODI, AT ANY TIME PRIOR TO THE HEARING SCHEDULED HEREIN, AND ORAL STATEMENTS MAY BE MADE AT SAID HEARING.

ALL PROCEEDINGS BEFORE THE CITY COUNCIL ARE CONDUCTED IN ENGLISH. THE CITY OF LODI DOES NOT FURNISH INTERPRETERS, AND, IF ONE IS NEEDED, IT SHALL BE THE RESPONSIBILITY OF THE PERSON NEEDING ONE.

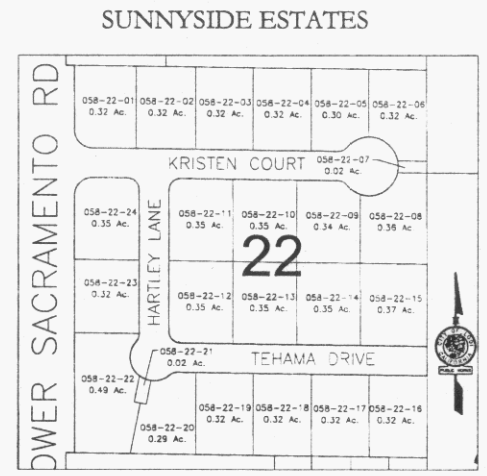
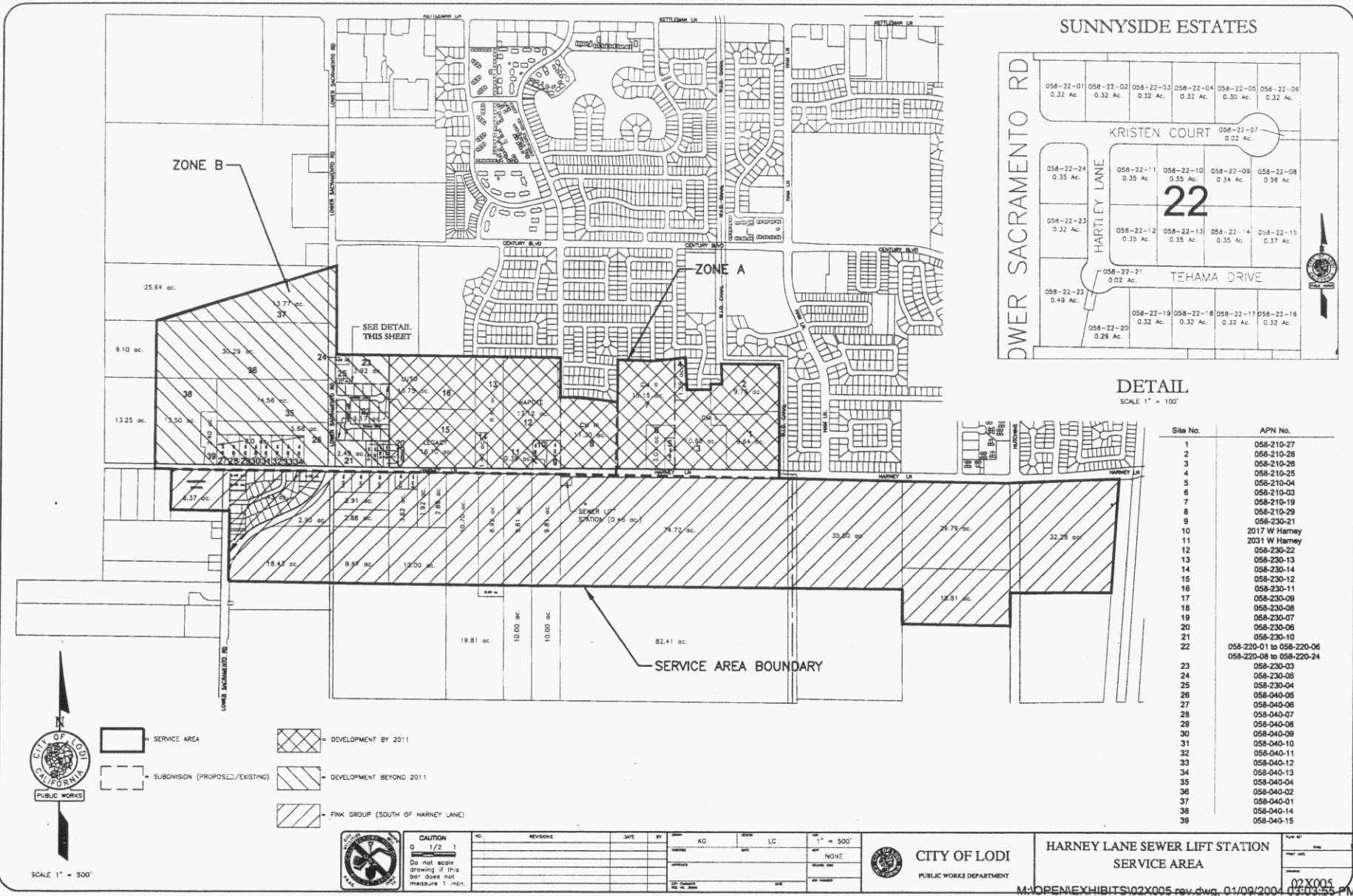
ANYONE WISHING TO BE HEARD ON THE ISSUE MAY APPEAR BEFORE THE CITY COUNCIL AT THE TIME OF THE PUBLIC HEARING. IT DESERVES TO BE NOTED THAT THE LEGAL REQUIREMENT OF PUBLIC NOTICE DOES NOT GUARANTEE NOTICE TO ALL PERSONS RESIDING IN OR OTHERWISE USING PROPERTY IN THE GENERAL VICINITY OF THE PROPERTY IN QUESTION. ACCORDINGLY, EACH RESIDENT OF THIS NOTICE IS RESPECTFULLY REQUESTED TO BRING THIS NOTICE PROMPTLY TO THE ATTENTION OF ANY OTHER PERSON OR PERSONS WHOM THE RECIPIENT FEELS MAY BE INTERESTED IN OR AFFECTED BY THIS PROPOSAL IN ORDER THAT ALL PERSONS MAY BE GIVEN AN OPPORTUNITY TO BE HEARD ON THE ISSUE.

IF YOU CHALLENGE THE PROPOSED ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY CLERK/CITY COUNCIL AT, OR PRIOR TO, THE PUBLIC HEARING.

Date Mailed: January 23, 2004



SUSAN J. BLACKSTON
CITY CLERK OF THE CITY OF LODI



DETAIL
SCALE 1" = 100'

Site No.	APN No.
1	058-210-27
2	058-210-28
3	058-210-28
4	058-210-25
5	058-210-04
6	058-210-33
7	058-210-19
8	058-210-29
9	058-230-21
10	2017 W Harney
11	2031 W Harney
12	058-230-22
13	058-230-13
14	058-230-14
15	058-230-12
16	058-230-11
17	058-230-09
18	058-230-08
19	058-230-07
20	058-230-06
21	058-230-10
22	058-220-01 to 058-220-06
23	058-220-08 to 058-220-24
24	058-230-03
25	058-230-05
26	058-230-04
27	058-040-05
28	058-040-06
29	058-040-07
30	058-040-08
31	058-040-09
32	058-040-10
33	058-040-11
34	058-040-12
35	058-040-13
36	058-040-04
37	058-040-02
38	058-040-01
39	058-040-15

EXHIBIT A

CITY OF LODI PUBLIC WORKS DEPARTMENT		HARNEY LANE SEWER LIFT STATION SERVICE AREA		DATE: 01/09/2004 TIME: 03:03:55 PM USER: lchang
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M:\OPEN\EXHIBITS\02X005 rev.dwg, 01/09/2004 03:03:55 PM, lchang

EXHIBIT B

ALVAREZ JOE L ETAL
533 E HARNEY LN
LODI CA 95242
|||||

AZEVEDO STEVEN A & KIM HUTSON
909 KRISTEN CT
LODI CA 95242
|||||

BARAJAS TERESA ETAL
PO BOX 631
LODI CA 95241
|||||

DIETRICH THEODORE & LOUELLA T
463 E HARNEY LN
LODI CA 95240
|||||

FARROS NICK & JESSLYN
1649 W HARNEY LN
LODI CA 95242
|||||

FAUGHT MICHAEL & T
860 E KRISTEN CT
LODI CA 95242
|||||

FCB BUILDING PARTNERS I LP
3247 W MARCH LN STE 220
STOCKTON CA 95219
|||||

FLICKINGER RON R
603 E HARNEY LN
LODI CA 95240
|||||

FRONTIER LAND COMPANIES CORP
3247 W MARCH LN STE 220
STOCKTON CA 95219
|||||

FUJINAKA STEVE & BARBARA TR E
2016 E ARMSTRONG RD
LODI CA 95242
|||||

GERLACK JOHN D & B TRS
101 N LOMA DR
LODI CA 95240
|||||

HANNA GARY D & SHARON L TR
830 TEHEMA DR
LODI CA 95242
|||||

HARNEY DEVELOPMENT LLC
777 S HAM LN STE L
LODI CA 95242
|||||

HATHAWAY ROBERT W & R M TR
890 TEHAMA DR
LODI CA 95242
|||||

JENKINS LEON & MAE
909 TEHAMA DR
LODI CA 95240
|||||

K&W DEVELOPMENT
816 W LODI AVE
LODI CA 95240
|||||

KIRST J JEFFREY & CAROL ANN T
PO BOX 1259
WOODBIDGE CA 95258
|||||

KUBOTA TSUGIO TR ETAL
1500 VISTA DR
LODI CA 95242
|||||

LACKYARD DONALD D & SUSAN G
1477 E HARNEY LN
LODI CA 95240
|||||

LANGWORTHY ELMER D & S M
13710 HARTLEY LN
LODI CA 95240
|||||

LAUCHLAND JAMES R & CAROL
700 E ARMSTRONG RD
LODI CA 95240
|||||

LEAR WOODBURN L & CLAIRE L TR
13696 N HARTLEY LN
LODI CA 95242
|||||

LEE ANDREW
910 TEHAMA DR
LODI CA 95242
|||||

LODI UNIFIED SCHOOL DISTRICT
1305 E VINE ST
LODI CA 95240
|||||

LOUIE SAM K & LORNA L
910 KRISTEN CT
LODI CA 95240
|||||

LUU NHI & MINH H
13625 HARTLEY LN
LODI CA 95242
|||||

MARTIN MARILYN ANN
791 KRISTEN CR
LODI CA 95242
|||||

MASTEL RICHARD L & PHYLLIS
499 E HARNEY LN
LODI CA 95240
|||||

NEUMANN WILLIAM D & BONNIE R
865 KRISTEN CT
LODI CA 95242
|||||

NORDWICK FLOYD H & LACE A TR
895 KRISTEN CT
LODI CA 95242
|||||

PAOLETTI FRANK L TR
2373 N LOWER SAC RD
LODI CA 95242
|||

PENA WILLIAM G & MARIA A TR
565 E HARNEY LN
LODI CA 95242
|||

RIEGER EARL & NAOMI
395 E HARNEY LN
LODI CA 95242
|||

ROGAN WILLIAM & A ETL
2620 N DAVIS RD
LODI CA 95242
|||

SAN JOAQUIN COUNTY OF
PO BOX 1810
STOCKTON CA 95201
|||

SANCHEZ JOE & ELENA
909 E HARNEY LN
LODI CA 95242
|||

ANDOVAL LORENZO V & MARGARIT
31 E HARNEY LN
LODI CA 95242
|||

SCHUMACHER WELDON & BONNIE
1303 RIVERGATE DR
LODI CA 95240
|||

STEINGRABER SHARIE
889 TEHAMA DR
LODI CA 95242
|||

TICE LARRY & GORETI
33 E HARNEY LN
LODI CA 95242
|||

TAMURA JOEY TR
788 W ARMSTRONG RD
LODI CA 95240
|||

TATE KENNETH JR & N
1243 HARNEY LN
LODI CA 95242
|||

AN RUITEN ROBERT TR
31 E HARNEY LN
LODI CA 95242
|||

VAUGHN FRED L & KHRISTINA L
805 KRISTEN CT
LODI CA 95242
|||

WELLS LARRY D & D R
427 E HARNEY LANE
LODI CA 95240
|||

ISENOR GERALD L & L M
18 TEHAMA
LODI CA 95240
|||

WOOD BRUCE D & JANEEN
867 TEHAMA DR
LODI CA 95242
|||

WRIGHT RICHARD O & VICTORIA T
13675 N HARTLEY LN
LODI CA 95242
|||

AMASHITA KENNETH K & Y
4 KRISTEN CT
LODI CA 95240
|||



DECLARATION OF POSTING

PUBLIC HEARING TO CONSIDER REIMBURSEMENT AGREEMENT RA-03-04 ESTABLISHING AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR DEVELOPER-FUNDED PUBLIC IMPROVEMENTS FOR THE HARNEY LANE SANITARY SEWER LIFT STATION AND SANITARY SEWER TRUNK LINE

On Thursday, January 22, 2004 in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider Reimbursement Agreement RA-03-04 Establishing an Area of Benefit and Reimbursable Costs for Developer-Funded Public Improvements for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 22, 2004, at Lodi, California.

ORDERED BY:

SUSAN J. BLACKSTON
CITY CLERK

Jacqueline L. Taylor, CMC
Deputy City Clerk



Patricia Ochoa
Administrative Clerk

Jennifer M. Perrin, CMC
Deputy City Clerk



DECLARATION OF MAILING

PUBLIC HEARING TO CONSIDER REIMBURSEMENT AGREEMENT RA-03-04 ESTABLISHING AN AREA OF BENEFIT AND REIMBURSABLE COSTS FOR DEVELOPER-FUNDED PUBLIC IMPROVEMENTS FOR THE HARNEY LANE SANITARY SEWER LIFT STATION AND SANITARY SEWER TRUNK LINE

On January 22, 2004, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a Public Hearing to consider Reimbursement Agreement RA-03-04 Establishing an Area of Benefit and Reimbursable Costs for Developer-Funded Public Improvements for the Harney Lane Sanitary Sewer Lift Station and Sanitary Sewer Trunk Line, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 22, 2004, at Lodi, California.

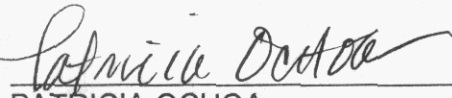
ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK

JENNIFER M. PERRIN
DEPUTY CITY CLERK



PATRICIA OCHOA
ADMINISTRATIVE CLERK

CITY COUNCIL

LARRY D. HANSEN, Mayor
JOHN BECKMAN
Mayor Pro Tempore
SUSAN HITCHCOCK
EMILY HOWARD
KEITH LAND

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
http://www.lodi.gov

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
D. STEPHEN SCHWABAUER
Interim City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

February 12, 2004

K & W Development, LLC
816 W. Lodi Avenue
Lodi, CA 95240

Baumbach & Piazza
323 W. Elm Street
Lodi, CA 95240

SUBJECT: Public Hearing to Consider Reimbursement Agreement RA-03-04
Establishing an Area of Benefit and Reimbursable Costs for
Developer-Funded Public Improvements for the Harney Lane Sanitary
Sewer Lift Station and Sanitary Sewer Trunk Line

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, February 18, 2004. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and speak at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Lyman Chang, Associate Civil Engineer, at (209) 333-6800, extension 2665.

P. Prima

for:

Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk